

MINUTES OF BOARD MEETING

September 20, 2018, 1:00 p.m. to 5:00 p.m.
California Regional Water Quality Control Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Roll Call (Board members only) and Introductions

Nancy Wright, Buford Crites, Tom Davis, Ed Muzik, and Jayne Powell were present. Hidali Garcia was absent. The Board Clerk stated that a quorum was present.

The meeting was called to order by Board Chair Nancy Wright at 1:00 p.m. on September 20, 2018 in Palm Desert, California.

Introduction of the new Executive Officer

Chair Wright introduced Paula Rasmussen as the new Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board).

Recognition of Jose L. Angel, P.E.

The Regional Water Board recognized Jose L. Angel, who has retired as Executive Officer, for his distinguished service to the people of the State of California.

Recognition of Hidali Garcia, Board Member

Chair Wright announced that this was Hidali Garcia's last Board meeting and recognized her service to the people of the State of California.

State and Regional Board Staff Present:

Paula Rasmussen, Katharine Buddingh, David Boyers, Naomi Kaplowitz, Frank Gonzalez, Abdi Haile, Doug Wylie, Nadim Shukry-Zeywar, Joan Stormo, Hilda Vasquez, Terry Barnes, Jose Figueroa-Acevedo, Adriana Godinez, Abid Khalaf, Scot Stormo, Reginald Tan, Bryan Elder, Erin Garner, Kathleen Bindl, and Eric Taxer.

Others Present

Pete Gonzalez, Laguna Asset Partners, Inc.
Eric Brandt, OWB Packers, LLC
Armand Nicholi, OWB Packers, LLC
Jose Lara, OWB Packers, LLC
Steven Mireles, City of Brawley
Curt Russell, Pacific Gas & Electric Company (PG&E)
Christina Horg, PG&E
Tracy Egoscue, Egoscue Law Group, Counsel for PG&E
Charlie Schlinger, Topock Technical Review Committee
Bryan Etsitty, Colorado River Indian Tribes
Rena Van Fleet, Colorado River Indian Tribes
Johnson Fischer, Colorado River Indian Tribes
Ron Escobar, Chemehuevi
Rudy Acosta, Desert Recreation District, Board Member
Kevin Kalman, Desert Recreation District
E. Martyn, Counsel for Desert Recreation District

Steve Bigley, Coachella Valley Water District (CVWD)
 Shawn Haggerty, Best, Best & Krieger LLP, Counsel for CVWD
 Lillian Garcia, Member of the public

Public Forum

There were no speakers during the public forum at this meeting.

1. Approval of Minutes

Minutes of June 14, 2018 Board meeting

Motion: Buford Crites moved, Jayne Powell seconded, and the motion was carried unanimously to adopt the minutes.

Uncontested Items

2. Order R7-2018-0009 – Consideration of adoption of NPDES Permit/Waste Discharge Requirements for Date Gardens Asset Partners, L.P., Wastewater Monitoring Services, Date Gardens Mobile Home Park WWTP, Imperial County [Kai Dunn]

Motion: Tom Davis moved, Ed Muzik seconded, and the motion was carried unanimously to adopt Order R7-2018-0009 with Errata.

3. Order R7-2018-0022 – Consideration of adoption of WDRs for PG&E Topock Compressor Station and Groundwater Remediation Facility, Southeast of Needles, San Bernardino County [Doug Wylie]

Scot Stormo, Engineering Geologist, provided the staff presentation. He explained that there is a groundwater contamination problem at the site involving chromium VI, and the Department of Toxic Substances Control (DTSC) and Bureau of Land Management (BLM) are overseeing the implementation of a new groundwater remedy. The Waste Discharge Requirements (WDRs) were modified to allow some of the remedy wastewater to be discharged into the site's existing Class II surface impoundments for evaporation. Mr. Stormo also described the current wastewater generation process and the Class II surface impoundments. He provided some history on the pre-impoundment discharge of chromium VI, a summary of the remedy, the proposed remedy waste stream to the impoundments, and the changes to the WDRs and monitoring programs.

Curt Russell, PG&E's Topock Cleanup Project Manager, also provided a presentation to the Board.

Speaker Cards:

- Johnson Fischer, Colorado River Indian Tribes
- Rena Van Fleet, Colorado River Indian Tribes

Motion: Ed Muzik moved, Tom Davis, seconded, and the motion was carried unanimously to adopt Order R7-2018-0022 with Errata.

4. Order R7-2018-0025 – Consideration of adoption of WDRs for OWB Packers, LLC Brawley Beef Plant WWTF and Reclamation Area, Brawley, Imperial County [Doug Wylie]

Adriana Godinez, Water Resource Control Engineer, gave the staff presentation on the WDRs. She provided information on site background, key permit requirements, the CEQA Addendum, comments received, and responses to those comments.

Speaker Card:

- Armand Nicholi, OWB Packers, LLC

Motion: Jayne Powell moved, Tom Davis, seconded, and the motion was carried unanimously to adopt Order R7-2018-0025.

Enforcement Items

5. Order R7-2018-0027 – Public Hearing to consider adoption of Settlement Agreement and Stipulations in the Matter of Desert Recreation District, Palm Desert, Riverside County [Abdi Haile]

Board Member Jayne Powell disclosed that she works for the parent company of Granite Construction Company, which has a contract to perform work for Desert Recreation District in an unrelated matter. She indicated that she would remain an impartial decision maker on the matter before the Board. No objections were raised to Member Powell's participation.

Abdi Haile, Supervising Engineering Geologist, gave the staff presentation for the Prosecution Team, with the assistance of State Water Board Office of Enforcement staff, including Attorney Naomi Kaplowitz, Assistant Chief Counsel David Boyers, Senior Water Resource Control Engineer Bryan Elder, and Senior Engineering Geologist Erin Garner. The stipulated settlement agreement was in response to the June 3-4, 2017 unauthorized discharge of 3.921 million gallons of untreated wastewater and recycled water to the Whitewater River Storm Water Channel in Palm Desert and imposed a payment of \$571,302 on Desert Recreation District.

Rudy Acosta, Board Member of Desert Recreation District, also provided a presentation to the Board.

Speaker Cards:

- Kevin Kalman, General Manager, Desert Recreation District

Motion: Tom Davis moved, Ed Muzik seconded, the motion was carried to adopt Order R7-2018-0027 with Errata.

Vice-Chair Crites-Nay, Member Garcia-Absent, Member Powell-Yes, Member Davis-Yes Chair Wright-Yes. Approved by vote 4-1.

6. Order R7-2018-0016 – Public Hearing to consider adoption of Settlement Agreement and Stipulations in the Matter of Coachella Valley Water District, Palm Desert, Riverside County [Abdi Haile]

Abdi Haile, Supervising Engineering Geologist, gave the staff presentation for the Prosecution Team, with the assistance of State Water Board Office of Enforcement staff, including Attorney Naomi Kaplowitz, Assistant Chief Counsel David Boyers, Senior Water Resource Control Engineer Bryan Elder, and Senior Engineering Geologist Erin Garner. The stipulated settlement agreement was in response to the June 3-4, 2017 unauthorized discharge of 3.921 million gallons of untreated wastewater and recycled water to the Whitewater River Storm Water Channel in Palm Desert and imposed a payment of \$33,808 on CVWD. The parties had revised the prior settlement agreement to address concerns previously raised by the Board at the May 14, 2018 Board meeting.

Speaker Cards:

- Steve Bigley, Coachella Valley Water District
- Shawn Haggerty, Counsel for Coachella Valley Water District

Motion: Jayne Powell moved, Buford Crites seconded, the motion was carried to adopt Order R7-2018-0016 with Errata.

Vice-Chair Crites-Nay, Member Garcia-Absent, Member Powell-Yes, Member Davis-Yes Chair Wright-Yes. Approved by vote 4-1.

Informational Items

7. Informational Item: Cannabis Program Update [Eric Taxer & Kathleen Bindl]

Eric J. Taxer, Senior Water Resource Control Engineer, and Kathleen Bindl, Environmental Scientist, both of the Lahontan Regional Water Quality Control Board, provided a presentation concerning the Eastern California Regional Cannabis Program. The program covers all of eastern California within the boundaries of the Lahontan Water Board and the Colorado River Basin Water Board. The presentation provided an overview of the regulatory framework for cannabis, cannabis permitting requirements, staff's outreach efforts to local communities and stakeholders, and enforcement activities, as well as discussed some of the unique challenges of covering such a large area that stretches from Oregon down to Mexico.

8. Colorado River Basin Water Board Executive Officer's Report [Paula Rasmussen]

Paula Rasmussen thanked the Board and mentioned a few things about the upcoming Board meetings. She noted that the October workshop date was changed to October 18 and mentioned the workshop would be focused on enforcement. She also noted that the workshop scheduled for the December 13 would be a discussion of Board priorities.

9. Colorado River Basin Water Board Member Comments

Board Member Davis mentioned that the U.S. Department of the Interior, Bureau of Reclamation recently came out with a report about the Colorado River system status and drought contingency planning.

10. Colorado River Basin Water Board Chair's Report

Chair Wright mentioned the WQCC meeting was to begin on the morning of October 23rd. Climate change, homelessness, and cannabis would be the three main topics.

11. Closed Session

There was no closed session held.

Adjournment of Board Meeting

The meeting was adjourned at 5:00 p.m.